

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 20-CV-11940-RWZ

SCOTT SCHMIDHAUSER, on behalf of himself  
and all others similarly situated

v.

TUFTS UNIVERSITY

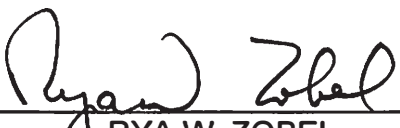
ORDER

July 15, 2021

ZOBEL, S.D.J.

Defendant's motion to dismiss the second amended complaint (Docket # 41) is DENIED. "Drawing all inferences in plaintiffs' favor, the court cannot, as a matter of law, say that no student could have reasonably expected that paying the tuition charged for the Spring semester of 2020 and registering for on-campus courses would entitle them to in-person instruction." In re Boston Univ. Covid-19 Refund Litig., No. 20-cv-10827, 2021 U.S. Dist. LEXIS 4651, at \*7-8 (D. Mass. Jan. 7, 2021). Plaintiff's allegations are sufficient at this early stage of the case.

July 15, 2021  
DATE

  
RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE